

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

DOUGLAS ROMINE,)	
)	
Plaintiff,)	
)	CASE NO. 1:21-cv-394
)	
vs.)	
)	
)	
)	
JACK COOPER TRANSPORT CO., LLC)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

This is an action brought by Plaintiff, Douglas Romine (“Romine” or “Plaintiff”), by counsel, against Defendant Jack Cooper Transport, LLC, (“Jack Cooper” or “Defendant”), for violating the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq. (“ADA”), as amended by the ADA Amendments Act of 2008 (“ADAAA”), and the Uniformed Services Employment and Reemployment Rights Act (“USERRA”), 38 U.S.C. §4311, by engaging in discrimination, failing to accommodate, and retaliating against Plaintiff.

I. JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1331. This action is being brought pursuant to ADA and USERRA.
2. This Court also has jurisdiction to grant injunctive and declaratory relief and award damages pursuant to 42 U.S.C. §12101, and 38 U.S.C. §4311.
3. At all relevant times, the Plaintiff worked in Roanoke, Indiana, (Huntington County), Indiana.

4. Plaintiff filed an EEOC Charge of Discrimination in October 2020. On July 22, 2021, the EEOC issued a Dismissal and Notice of Right to Sue. Smith timely files this action within 90 days of his receipt of the Notice of Right to Sue.
5. All relevant events or omissions giving rise to this claim, occurred in Allen or Huntington County, Indiana, within the jurisdiction of the U.S. District Court for the Northern District of Indiana, Fort Wayne Division.

II. PARTIES

6. Plaintiff Romine is a resident of Coldwater, MI, and was an “employee” as that term is defined in the applicable statutes.
7. Defendant, at all relevant times, operated a specialty transportation and logistics company, in the Fort Wayne, Indiana, area, and are “employers” as that term is defined in the applicable statutes.

III. FACTUAL ALLEGATIONS

8. Romine is a former member of the United States Marine Corp and National Guard, who served tours of duty in both Iraq and Afghanistan.
9. Romine suffers from post-traumatic stress disorder (“PTSD”), due to his service in the military.
10. Romine also suffers from a collapsed lung.
11. At all relevant times, Defendant was aware of Romine’s military service and his disabilities.
12. At all relevant times, Plaintiff was a qualified individual with a disability.
13. At all relevant times, Plaintiff was a veteran who was entitled to all benefits of employment.

14. In 2019, Plaintiff, along with other co-workers, filed a Complaint against Defendant, alleging discrimination.
15. The Complaint specifically named supervisor Kevin Tumbleson (“Tumbleson”) as an offending party.
16. The Complaint is still pending in the U.S. District Court of Northern Indiana.
17. An amendment to the Complaint was filed in April 2020.
18. In May 2020, Defendant instituted new COVID-19 safety precautions, including wearing a mask.
19. Romine informed Tumbleson that he could not wear a mask because he had a collapsed lung.
20. Romine was told to get a doctor’s note to excuse him from wearing a mask, which he did.
21. In June 2020, Romine was advised to get a new note from the doctor that would allow him to wear a mask, a note that completely disregarded his disability, and contradicted the doctor’s prior instructions.
22. Romine was told he had to wear a mask, or he could not work.
23. Defendant was not enforcing the mask practice with other employees.
24. Several other employees did not wear a mask and were never denied work based on their failure to wear a mask.
25. Romine was never offered the opportunity to discuss other alternatives, such as face coverings or shields.
26. Romine was told he needed to complete paperwork so that the supervisor could take him off work with no pay—with no interactive process or discussion of accommodations.
27. Romine was denied work until approximately May 2021.

28. Romine has suffered, and continues to suffer, damages as a result of Defendant's unlawful conduct.

IV-LEGAL ARGUMENTS

COUNT I-VIOLATION OF ADA

29. Plaintiff hereby incorporates by reference paragraphs 1-28.

30. Plaintiff was discriminated against based on his disability.

31. Plaintiff was denied a reasonable accommodation based on his disability.

32. Plaintiff has suffered and continues to suffer damages as a result of Defendant's unlawful conduct.

COUNT II-VIOLATION OF USERRA

33. Plaintiff hereby incorporates by reference paragraphs 1-32

34. Plaintiff was subjected to discriminatory and retaliatory actions based on his military service.

35. Plaintiff was retaliated against for engaging in protected activity.

36. Plaintiff has suffered and continues to suffer damages as a result of Defendant's unlawful conduct.

PRAYER OR RELIEF

WHEREFORE, Plaintiff, Douglas Romine, by counsel, does hereby request the following as relief:

- a. Enter judgment in favor of Plaintiff,
- b. Award back pay, front pay, and associated benefits due to Defendant's unlawful conduct.

- c. Provide injunctive relief enjoining Defendants from engaging in discrimination.
- d. Award compensation for any and all damages suffered as a consequence of Defendant's unlawful actions.
- e. Award compensatory damages for all past and future pecuniary losses, including emotional distress, inconvenience, and humiliation.
- f. Award punitive and liquidated damages.
- g. Award all costs and attorney's fees incurred as a result of pursuing this action.
- h. Award pre- and post-judgment interest in all sums recoverable.
- i. Award all other legal and/or equitable relief this Court deems just and proper.

Respectfully submitted,

s/Robin C. Clay

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DEMAND FOR JURY TRIAL

Plaintiff, by counsel, respectfully demands the Complaint and all triable issues be determined by a jury.

Respectfully submitted,

s/Robin C. Clay

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